IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 4824 of 2004

Between:

1 Boya Pedda Madduleti, S/o.Pedda Beesanna,
2 Pinjari Khasim, S/o.Hussanaiah,
3 M.Siva Nagi Reddy, S/o.Ranga Reddy,
4 Pedda Nagalakshmaiah, S/o.Pedda Lakshmanna,

..... PETITIONERS

AND

1 The District Collector, Kurnool.
2 The Superintending Engineer (R.W.S.), Panchayat Raj, Kurnool.
3 The Executive Engineer (R.W.S.). Panchayat Raj, Nandikotkur.
4 Gram Panchayat, Allur Village, Nandikotkur Mandal, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of respondents in changing the use of the bore well situate in Nakkala Vagu, Allur Village, Kurnool District as illegal, arbitrary and against the provisions of Panchayat Raj Act and 73rd Amendment of Constitution of India and consequently direct the Respondents not to change the nature of use of bore well by capping the same by electro-mechanical means or any other similar methods.

Counsel for the Petitioner : Mr.C.PRAKASH REDDY

Counsel for Respondents 1 to 3 : G.P. FOR PANCHAYAT RAJ

The Court at the stage of admission, made the following :

ORDER:

The petitioners who claim to be Members of Pykavali Committee, Allur village, constituted for the purpose of protecting the interest of Agriculturists, providing drinking water to cattle, providing necessary arrangements for cattle grazing and to settle any disputes incidental thereto, filed the present writ petition stating that the population of Allur village is 4000, animal population is nearly 3000 to 4000 and sheep population is around 4000. It is stated that long ago a huge cement drinking water basin was constructed and water drawn from Nakkalavagu which is adjacent to the village, is filled in the said water basin to enable the cattle and sheep to quench their thirst. It is stated that recently during K.C.canal modernization, an aqueduct was constructed over Nakkalavagu for the inflow of K.C. canal water and as water was not available for the purpose of construction, a bore was dug in the midst of Nakkalavagu and water was drawn from the bore by means of hand pump. After completion of aqueduct construction, the bore was taken over by the Gram Panchayat and handed over to Pykavalli committee to see that thirst of cattle is quenched. It is stated that in the meanwhile, at the instance of third respondent, some persons started dumping material to cap the bore well and for installing a motor pump to draw the water and pump the same to Vaddemanu and Konetammapalle villages and if the same is allowed, the villagers of Allur village and the cattle would be denied of drinking water. In view of the same, petitioners filed the present writ petition seeking a direction to respondents not to change the use of bore well situated in Nakkalavagu, Allur village.

The third respondent-Executive Engineer filed counter affidavit stating that the population of Allur village is 3786 and the requirement of water per day is 151440 ltrs. and the cattle requirement is 80250 litres and the Government apart from the bore well in Nakkalavagu, has sanctioned two overhead reservoirs which caters drinking water to the villagers. It is stated that in addition, the village is having seven hand pumps which yield 14000 lts. per day and that during the last summer, Vaddemanu and Konetammapalli villages faced scarcity of drinking water and as

local sources have been dried up, transportation of water was undertaken. In order to avoid transportation and for smooth supply of water, the proposed scheme costing Rs.6,00,000/- was sanctioned under DCP funds and it was estimated that the said bore well is to cater the drinking water needs of Vaddemanu and Konetammapalli villages and the Department is taking care to fulfill the drinking water needs of Allur village also.

Having regard to the facts and circumstances of the case, since all the citizens are entitled to natural resources, petitioners cannot claim that the said resources should be utilized by the villagers of Allur village and their cattle only, depriving drinking water to other villages. In any way the State Government is under obligation to provide drinking water to all citizens and distribute the same in equal proportion.

In the circumstances, I see no merit in the writ petition. The writ petition fails and it is accordingly dismissed. No costs.

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A.GOPAL REDDY, J

DA

To

1 The District Collector, Kurnool.
2 The Superintending Engineer (R.W.S.), Panchayat Raj, Kurnool.
3 The Executive Engineer (R.W.S.). Panchayat Raj, Nandikotkur,

Kurnool district.
4 The Gram Panchayat, Allur Village, Nandikotkur Mandal, Kurnool

District.

5 Two CCs to the G.P. for Panchayat Raj and Rural Development

Department, High Court Buildings, Hyderabad (OUT).

6 Two CD copies.